

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NICE SYSTEMS, INC. and
NICE SYSTEMS LTD,

Plaintiffs,

v.

WITNESS SYSTEMS, INC.

Defendant.

Civil Action No. 06-311-JJF

**DECLARATION OF KYLE WAGNER COMPTON IN SUPPORT OF
DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' SECOND AND THIRD
SUPPLEMENTAL OBJECTIONS AND RESPONSES TO WITNESS SYSTEMS,
INC.'S INTERROGATORY NOS. 17 AND 18 AND TO PRECLUDE
PLAINTIFFS' USE OF EVIDENCE RELATED THERETO**

I, Kyle Wagner Compton, declare as follows:

1. I am an Associate with Fish & Richardson P.C., counsel for Defendant Witness Systems, Inc. I make the following statements based on personal knowledge.
2. Attached hereto as Exhibit A is a true and correct copy of NICE's Amended Objections and Responses to Witness Systems' Second Set of Interrogatories, served March 2, 2007.
3. Attached hereto as Exhibit B is a true and correct copy of Witness Systems' Second Set of Interrogatories, served November 17, 2006.
4. Attached hereto as Exhibit C is a true and correct copy of NICE's Objections and Answers to Witness Systems' Second Set of Interrogatories, served December 27, 2006.
5. Attached hereto as Exhibit D is a true and correct copy of correspondence from Mr. Daniel Kent to Mr. Joseph Drayton, dated February 13, 2007.
6. Attached hereto as Exhibit E is a true and correct copy NICE's Supplemental Objections and Responses to Witness Systems' Second Set of Interrogatories, served April 6, 2007.

7. Attached hereto as Exhibit F is a true and correct copy NICE's Supplemental Objections and Responses to Witness Systems' Second Set of Interrogatories, served May 11, 2007.

8. Attached hereto as Exhibit G is a true and correct copy of NICE's Second Supplemental Objections and Responses to Witness Systems' Interrogatory Nos. 17 and 18, served August 2, 2007.

9. Attached hereto as Exhibit H is a true and correct copy NICE's Third Supplemental Objections & Responses to Witness Systems' Interrogatory No. 18, served Aug. 10, 2007.

10. Attached hereto as Exhibit I is a true and correct copy of correspondence from Mr. Noah Graubart to Mr. Joseph Drayton, dated August 6, 2007.

11. Attached hereto as Exhibit J is a true and correct copy of correspondence from Mr. Joseph Drayton to Mr. Daniel Kent, dated August 15, 2007.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Executed on September 7, 2007.

/s/ Kyle Wagner Compton
Kyle Wagner Compton (#4693)

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2007, I electronically filed with the Clerk of Court the **DECLARATION OF KYLE WAGNER COMPTON IN SUPPORT OF DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' SECOND AND THIRD SUPPLEMENTAL OBJECTIONS AND RESPONSES TO WITNESS SYSTEMS, INC.'S INTERROGATORY NOS. 17 AND 18 AND TO PRECLUDE PLAINTIFFS' USE OF EVIDENCE RELATED THERETO** using CM/ECF which will send electronic notification of such filing(s) to the below-listed Delaware counsel. In addition, the filing will also be sent via hand delivery.

Josy W. Ingersoll
 Melanie K. Sharp
 Karen E. Keller
 Young, Conaway, Stargatt & Taylor, LLP
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 P.O. Box 391
 Wilmington, DE 19899

Attorneys for Plaintiffs
Nice Systems Ltd. and Nice Systems, Inc.

I also certify that on September 7, 2007, I have sent by electronic mail and U.S. First Class Mail, the document(s) to the following non-registered participants:

Scott G. Lindvall
 Daniel DiNapoli
 Joseph M. Drayton
 Robert R. Laurenzi
 Jason Frank
 Steven Chin
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Attorneys for Plaintiffs
Nice Systems Ltd. and Nice Systems, Inc.

/s/Kyle Wagner Compton

 Kyle Wagner Compton